

Subpart 5306.3 - OTHER THAN FULL AND OPEN COMPETITION

Parent topic: [Part 5306 - Competition Requirements](#)

5306.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements

(a)(2)(i)(1) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

(d) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#) .

5306.302-2 Unusual and Compelling Urgency

(c)(1) Contracting officers must notify [SAF/AQC](#) and their SCO as soon as practicable when contemplating the use of this authority for a J&A requiring Senior Procurement Executive (SPE) approval.

(d)(1)(ii) The authority to make this determination for the Air Force is the SCO or the J&A approval authority, whichever is higher. This authority may not be further delegated.

5306.302-4 International Agreement

(c) *Limitations.* An *International Agreement Competitive Restrictions* (IACR) must be used when the terms of the document referred to in [DFARS 206.302-4\(c\)](#) have the effect of requiring the use of other than competitive procedures, even if the agreement, treaty, or written direction does not specifically name a particular source or sources. The contracting officer is authorized to prepare the IACR (see [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#)). The contracting officer must include the IACR and a copy of the associated *Letter of Offer and Acceptance*, once completed, in the contract file.

5306.303-1 Requirements

(a) Solicitations for other than full and open competition may be released prior to justification approval, except see [FAR 6.305\(c\)](#) and the asterisked paragraph below the table at [5306.304 Approval of the Justification](#).

5306.303-1-90 Bridge Actions for Service Contracts Only

(See DoDI 5000.74)

(a) All service contract actions that meet the definition of a bridge action at [5302.101 Definitions](#) require a written, approved J&A document in accordance with [5306.304 Approval of the Justification](#) . All bridge action J&As shall be identified as a “bridge action J&A” as indicated in the [J&A Template](#) . A modification for the extension of services, executed in accordance with FAR clause 52.217-8, Option to Extend Services, is not considered a bridge action unless or until the total six month extension period allowed by the clause is exceeded.

(b) Upon the first use of a bridge contract to provide for continuation of a service to be performed through a services contract, due to inadequate planning as determined by the S-CAT decision authority, the requirements owner, along with the contracting officer or a designee of the contracting officer for the contract, will:(1) For a services contract in an amount less than \$10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the requiring activity’s PEO, Flag Officer, or civilian equivalent, as applicable; or

(2) For a services contract in an amount equal to or greater than \$10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the Senior Procurement Executive.

Contracting officers shall forward a copy of the signed J&A and transmittal document or email to the competition advocate.

(c) Upon the second use of a bridge contract to provide for continuation of a service to be performed through a services contract in an amount less than \$10 million, due to inadequate planning as determined by the S-CAT decision authority, the commander or senior civilian official referred to in Paragraph (b)(1) will provide notification of such use to the Vice Chief of Staff of the Air Force and the SPE.

5306.303-2 Content

(a) Contracting officers may use the [Justification and Approval](#) template.

5306.304 Approval of the Justification

(a)

Justification Value	Approval Authority	Delegability
≤ \$750K	Chief of the Contracting Office	Delegable to contracting officer, consistent with warrant level

Justification Value	Approval Authority	Delegability
> \$750K ≤ \$15M	<u>Procuring Activity</u> Competition and Commercial Advocate	Not further delegable
> \$15M ≤ \$100M	PEO / Head of Procuring Activity*	Delegable to Flag/General Officer or civilian SES
> \$100M**	Senior Procurement Executive	Not further delegable

* For the Air Force, in accordance with FAR 2.101, procuring activity is synonymous with contracting activity.

**J&As for actions exceeding \$100M must be coordinated with the DAS(C) or the ADAS(C) and approved by the SPE. The contracting officer must submit justifications requiring approval by the SPE simultaneously to [SAF/AQ](#) and to [SAF/AQC](#) after coordination by the SCO. Allow 18 days for staffing and SPE approval after receipt by [SAF/AQ](#). J&A packages submitted to SAF/AQ shall include an electronic Staff Summary Sheet ([eSSS](#)) in the body of the email or as an attachment (Word document only). Include the approved acquisition strategy (or a draft acquisition strategy if the strategy document has not been approved) with the J&A package, and list each attachment under "Tabs" on the [eSSS](#) using the exact electronic file name (e.g., ACE Acquisition Strategy) of the corresponding attachment. The SCO may authorize solicitation release after the justification is reviewed for adequacy and forwarded to [SAF/AQ](#) and [SAF/AQC](#). Submit questions or concerns regarding processing a J&A for SPE approval to [SAF/AQC](#).

(4) Changes recommended during the staffing process must be adjudicated by the contracting officer in coordination with SAF/AQC prior to submitting the J&A to the SPE for approval.

(e) Prior to contract award: After a J&A has been approved, but prior to contract award, if new work is to be added or the dollar value of the contract is expected to exceed the original J&A approval authority, the contracting officer must submit an amended J&A to the appropriate approving authority for approval. The amended J&A must identify the new work and/or dollar increase from the initial, approved J&A.

(f) After contract award: When a proposed modification is for new work outside the scope of the original contract, the contracting officer must submit a new J&A as a stand-alone document to the appropriate approving authority based on the dollar value of the contract action for the new work. New work should not commence until the new J&A is approved unless authorized in accordance with FAR 6.302-2, Unusual and Compelling Urgency. See [5343.102-90 Contract Scope Considerations](#) regarding contract scope considerations.

(g) A new J&A is not required for:

(1) a modification to decrease the dollar value or scope of the effort; or

(2) a modification to increase the estimated dollar value of in-scope work.